United Nations S/2006/543

Security Council

Distr.: General
19 July 2006
English
Original: French

Letter dated 19 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit to you herewith the report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan (see annex), which covers the Committee's activities during the period from 29 March 2005 to 31 March 2006. This report, which was adopted today by the Committee, is submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Adamantios Th. **Vassilakis**
Chairman
Security Council Committee established pursuant
to resolution 1591 (2005) concerning the Sudan

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Annex

Report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan covers the period from 29 March 2005, when the Committee was established, to 31 March 2006.

2. For 2005, the bureau consisted of Adamantios Th. Vassilakis (Greece) as Chairman, with the delegations of Argentina and the Philippines providing the Vice-Chairmen (S/2005/297). In 2006, Adamantios Th. Vassilakis (Greece) continued to serve as Chairman, with the delegations of Argentina and Slovakia providing the Vice-Chairmen (see S/2006/7). During this period the Committee held four formal meetings and 12 informal meetings.

II. Background information and activities of the Committee

A. Background information

3. By its resolution 1556 of 30 July 2004, the Security Council imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West Darfur in the Sudan.

4. By its resolution 1591 of 29 March 2005, the Council broadened the scope of the arms embargo, with immediate effect, to include all the parties to the N'djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur and West Darfur. Also by resolution 1591 (2005), the Council established a committee to monitor the implementation of the arms embargo as well as the two additional measures imposed by the resolution, namely a travel ban and an assets freeze on those individuals designated by the Committee on the basis of the criteria contained in the resolution. The travel ban and the assets freeze entered into force on 29 April 2005.

5. Resolution 1591 (2005) also established, for a period of six months, a Panel of Experts to assist the Committee in monitoring the implementation of the arms embargo, travel ban and assets freeze, to report to the Council through the Committee with its findings and recommendations, and to coordinate its activities as appropriate with ongoing operations of the African Union Mission in the Sudan. Under the same resolution, the Panel of Experts was also identified as a source of information regarding individuals who might be designated by the Committee as subject to the targeted sanctions.

6. In a letter dated 13 May 2005, the Under-Secretary-General for Political Affairs proposed the names of four individuals to serve on the Panel of Experts established by resolution 1591 (2005). On 30 June 2005, following an exchange of communications between the Committee and the Secretariat regarding the specific process and criteria for selecting nominees to serve on the Panel, the Secretary-General appointed four individuals to the Panel of Experts in accordance with resolution 1591 (2005) (S/2005/428). The Panel presented an interim report to the

Committee on 7 October 2005, then its final report under resolution 1591 (2005) to the Committee on 9 December 2005 (see S/2006/65).

7. By its resolution 1651 of 21 December 2005, the Security Council decided to extend the Panel's mandate until 29 March 2006. By a letter dated 13 January 2006, the Secretary-General appointed three individuals to the Panel (S/2006/23), while a fourth expert was subsequently appointed by the Secretary-General on 10 February 2006 (S/2006/99). The Panel presented its final report under resolution 1651 (2005) to the Committee on 22 March 2006 (S/2006/250).

8. By its resolution 1665 of 29 March 2006, the Security Council decided to extend the Panel's mandate for six months, until 29 September 2006.

B. Summary of the activities of the Committee

9. Following its first meeting on 5 May 2005, the Committee issued a press statement announcing the commencement of its work (SC/8382). At its second meeting on 11 May 2005, the Committee considered, among other things, a draft note verbale to all States (subsequently approved and dispatched on 27 May) and a draft letter to 11 States in the region of the Sudan (subsequently approved and dispatched on 17 May 2005). The communications recalled the relevant provisions of resolutions 1556 (2004) and 1591 (2005) and requested information on the steps that States had taken to implement the arms embargo, the travel ban and the assets freeze. By the end of the reporting period, the Committee had received 13 replies in response to those requests (see appendix).

10. At its second meeting, the Committee also considered a letter dated 5 May 2005 from the Permanent Mission of Belarus to the United Nations, which sought the Committee's interpretation regarding several aspects of the application of resolution 1591 (2005) to the sale of arms to the Government of the Sudan. In a reply dated 19 May 2005, the Committee conveyed its understanding that, according to paragraph 7 of resolution 1591 (2005), Member States could provide arms and military equipment to the Government of Sudan outside the Darfur region and that the Government could move military equipment or supplies irrespective of their origin into the Darfur region on the condition that such movement was approved in advance by the Committee upon a request by the Government.

11. At its third meeting on 19 July 2005, the Committee met with the Panel of Experts to discuss the Panel's programme of work. A press statement was issued on the matter (SC/8453), and the discussion was continued at the Committee's informal consultations on 26 July. At its third meeting, the Committee also considered the Chairman's draft statement, which was subsequently delivered to the Security Council on 22 July 2005 and served as the Committee's first 90-day report to the Council in accordance with subparagraph 3 (a) (iv) of resolution 1591 (2005).

12. On 29 July 2005, the Chairman addressed a letter to the Permanent Representative of the Sudan to the United Nations wherein, inter alia, he conveyed the Committee's understanding that any and all movement of military equipment and supplies into the Darfur region by the Government of the Sudan required approval in advance by the Committee, in accordance with subparagraph 3 (a) (v) of resolution 1591 (2005). In the same letter, the Chairman underscored the Committee's expectation that the Government would cooperate with the members of

the Panel of Experts and would facilitate their work, in accordance with the same resolution.

13. By a letter dated 31 August 2005 addressed to the Chairperson of the Commission of the African Union, the Chairman conveyed the Committee's hope that the African Union would continue to provide support and assistance to the Panel of Experts established by resolution 1591 (2005). In a letter dated 17 October 2005 addressed to the Chairman, the Commissioner for Peace and Security of the African Union informed the Committee that the African Union's Peace and Security Department, the Darfur Integrated Task Force and the African Union Mission in the Sudan had been requested to continue to provide support and assistance to the Panel of Experts, and assured the Committee that the relevant departments of the Commission of the African Union would extend full cooperation and coordinate closely with the members of the Panel of Experts. Subsequently, on 24 February 2006, the Committee wrote to the Permanent Observer Mission of the African Union in order to explore the options available for further dialogue and information-sharing between the African Union and the Committee.

14. At its informal consultations on 7 and 14 October 2005, the Committee heard a midterm briefing from and discussed the interim report of the Panel of Experts, which were provided pursuant to subparagraph 3 (b) (ii) of resolution 1591 (2005). The Panel's interim report was circulated to the members of the Committee; however, it was not issued as a document of the Security Council.

15. In a note dated 8 November 2005, the Coordinator of the Panel of Experts notified the Committee of a security incident on 5 November at El Fasher airport in northern Darfur involving three Panel members, a United Nations Department of Safety and Security Field Security Coordinator and military personnel of the Government of the Sudan. In the same note, the Coordinator observed that it had been the second such incident, the first having taken place on 21 September 2005. Subsequently, with the agreement of the Committee, the Chairman informally contacted the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations regarding the incident. Following that meeting, on 1 December 2005, the Committee received a letter from the Chargé d'affaires a.i., setting forth the views of the Government of the Sudan on the two incidents at El Fasher airport. In a letter dated 16 February 2006, addressed to the Chargé d'affaires a.i. of the Permanent Mission of the Sudan, the Chairman underscored, inter alia, the Committee's full expectation that the Government of the Sudan would continue to cooperate with the Panel of Experts and would respect the privileges and immunities accorded to the panellists as experts on mission under the Convention on the Privileges and Immunities of the United Nations.

16. At its informal consultations on 9 November 2005, the Committee considered the Chairman's draft statement to the Security Council, the content of which was based on the Committee's earlier discussions on the interim report of the Panel of Experts, and which was subsequently delivered on 16 November. The statement served as the Committee's second 90-day report to the Council in accordance with resolution 1591 (2005).

17. During informal consultations on 9 December 2005 and the fourth meeting on 9 January 2006, the Committee discussed the final report of the Panel of Experts under the mandate accorded to it under resolution 1591 (2005) (S/2006/65). An unpublished annex to the report was also circulated to the members of the

Committee, on 13 December 2005. At the fourth meeting, the Committee also considered the programme of work of the Panel of Experts, whose mandate was extended by resolution 1651 (2005). The Committee agreed to transmit the final report of the Panel of Experts to the Security Council on 30 January 2006, and continued its discussion of the recommendations contained in that report at informal consultations on 1 and 9 February. The Chairman of the Committee delivered the third 90-day report to the Security Council on 27 February 2006, in which he summarized, inter alia, the Committee's considered views on the report and recommendations of the Panel of Experts. During his briefing, the Chairman noted that several media outlets had recently published articles which reproduced information from the report's unpublished annex, which had been provided only to the Committee members for their consideration. The Chairman underscored that such leaks were damaging in that they could negatively affect the ongoing work of the Panel and could also short-circuit the deliberative process in the Committee, prejudging decisions which the Committee may or may not take.

18. On 7 February 2006, the Committee received a communication from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan, which contained the response of the Government of the Sudan to the final report of the Panel of Experts. The Committee considered the communication at its informal consultations on 28 February, together with a note prepared by the Panel of Experts addressing some of the issues raised in the same communication. Subsequently, on 17 March, the Chairman of the Committee wrote to the Chargé d'affaires a.i. of the Permanent Mission of the Sudan regarding the response of the Government of the Sudan in which, inter alia, he asked for more information on why approval in advance by the Committee had not been sought by the Government of the Sudan, in accordance with paragraph 7 of resolution 1591 (2005), in connection with the arms and materiel moved into Darfur.

19. At its informal consultations on 22 March 2006, the Committee discussed the report of the Panel of Experts under the mandate accorded to it under resolution 1651 (2005) (S/2006/250).

20. Following extensive discussions on the subject, particularly at the informal consultations convened in February and March 2006, the Committee adopted guidelines for the conduct of its work, as envisaged in subparagraph 3 (a) (iii) of resolution 1591 (2005), on 23 March 2006 (see SC/8671).[1]

C. Violations and alleged violations of the sanctions regime

21. In both its interim and final reports under resolution 1591 (2005), as well as in its report under resolution 1651 (2005), the Panel of Experts drew attention to ongoing violations of the arms embargo imposed by resolutions 1556 (2004) and 1591 (2005). It also recommended a strengthening of the existing arms embargo and presented several options to that end.

22. In its reports submitted under resolutions 1591 (2005) and 1651 (2005), the Panel of Experts provided to the Committee information regarding individuals who could be designated by the Committee as subject to the travel ban and the assets freeze imposed by resolution 1591 (2005).

[1] The guidelines are available on the Committee's website: www.un.org/Docs/sc/committees/SudanTemplate.htm.

23. By the end of the reporting period, the Committee had not concluded its consideration of the Panel's recommendations, and it had not designated any individual as subject to the targeted sanctions.

Appendix

Replies received in accordance with subparagraph 3 (a) (vi) of Security Council resolution 1591 (2005)

States	*Date of reply*	*Symbol*
Brazil	22 June 2005	S/AC.47/2005/1
Russian Federation	30 June 2005	S/AC.47/2005/2
Portugal	12 July 2005	S/AC.47/2005/3
Lithuania	11 July 2005	S/AC.47/2005/4
Bulgaria	13 July 2005	S/AC.47/2005/5
Greece	18 July 2005	S/AC.47/2005/6
Costa Rica	18 July 2006	S/AC.47/2005/7
South Africa	20 July 2005	S/AC.47/2005/8
United Kingdom of Great Britain and Northern Ireland	28 July 2005	S/AC.47/2005/9
Switzerland	27 July 2005	S/AC.47/2005/10
Canada	29 July 2005	S/AC.47/2005/11
Liechtenstein	21 July 2005	S/AC.47/2005/12
Ukraine	31 January 2006	S/SC.47/2006/1